

Exhibit A

September 5, 2019
correspondence to L. Smith

From: Fugazzi, Alex
Sent: Thursday, September 5, 2019 2:43 PM
To: Toni Smith
Subject: Smith v. Fennemore
Attachments: 2019 0905 Letter.pdf

Ms. Smith:

Please see the attached correspondence of today's date.

Yours,

Alex L. Fugazzi
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September 5, 2019

VIA U.S. MAIL AND EMAIL

Latonia Smith
9748 Canyon Landing Ave.
Las Vegas, NV 89166
lts0294@gmail.com

Re: *Smith v. Fennemore Craig*
Case No. 2:19-cv-00824-GMN-EJY

Dear Ms. Smith:

I write to inform you that Fennemore will be seeking from the Court an extension of the pending discovery deadlines in the above-referenced case. Given the upcoming deadlines and the extensive motion practice to date, Fennemore seeks to extend all deadlines listed in the Court's Scheduling Order [ECF No. 17] by 120 days. While Fennemore maintains that discovery in this action should not proceed until the Court rules on Fennemore's pending Motions to Dismiss (as fully articulated in Fennemore's pending Motion to Stay discovery), it remains prudent to extend discovery due to the impending deadlines. The purpose of this letter, therefore, is to ask whether you will agree to a joint stipulation asking the Court to extend discovery deadlines.

Under LR IA 6-1 and LR 26-4, "[a] motion or stipulation to extend a deadline set forth in a discovery plan must be reviewed by the court no later than 21 days before the expiration of the subject deadline." Per the Scheduling Order, October 3, 2019 is the last date to disclose experts and the last date to file an interim status report. Thus, to comply with the Local Rules, we intend to file either a joint stipulation to extend deadlines, or if you are unwilling to so stipulate, Fennemore will file a motion asking the Court to extend discovery deadlines by 120 days.

A joint stipulation will avoid additional motion practice. LR 26-4 requires a showing of "good cause" when requesting a scheduling order extension. Good cause exists here based on the pending motion to dismiss, pending motion to stay discovery, pending motion to compel, pending motion to quash or, in the alternative, motion for a protective order, and the pending motion to consolidate. Moreover, the Scheduling Order states, "[t]his scheduling order can be amended



Latonia Smith
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pending the filing and rules on the parties' motion to stay discovery." Therefore, once Fennemore moves the Court for an extension, we believe the Court will grant this request.

With a 120-day extension added to each outstanding deadline set forth in the Scheduling Order, the new deadlines would be as follows:

1. Last date to complete discovery: **March 31, 2020**
2. Last date to file interim status report: **January 31, 2020**
3. Last date to disclose experts: **January 31, 2020**
4. Last date to disclose rebuttal experts: **March 3, 2020**
5. Last date to file dispositive motions: **May 1, 2020**
6. Last date to file joint pretrial order: **June 2, 2020**

If you are agreeable to the extension and the dates proposed above, we will prepare a stipulation and order for your review and approval. Again, we must file either a stipulation or motion by September 12, 2019. As such, **please let us know by September 9, 2019 whether you are agreeable to the proposed 120-day extension.** If we do not hear from you by then, we will proceed with the above described motion.

While Fennemore does not believe discovery is warranted in this matter as articulated in its pending motions, it seeks this request in an abundance of caution due to the fast approaching deadlines. If you have any questions or concerns, please don't hesitate to contact me. I look forward to hearing from you. This letter reserves all rights and waives none.

Very truly yours,

Snell & Wilmer

A handwritten signature in blue ink, appearing to read "Alex Fugazzi".

Alex L. Fugazzi